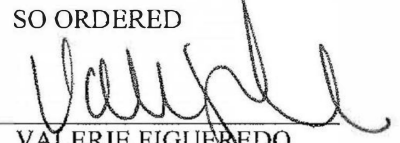


SO ORDERED


VALERIE FIGUEREDO

United States Magistrate Judge

Dated: 3-4-2024

Defense counsel is directed to respond to Plaintiff counsel's communications referenced herein to schedule a meet and confer by no later than March 8, 2024. The Clerk of Court is directed to terminate the motion at ECF No. 78.

The Law Offices of Jacob Aronauer
250 Broadway, Suite 600
New York, New York 10007
(212) 323-6980
jaronauer@aronauerlaw.com

March 1, 2024

Via ECF

Hon. Valerie Figueredo
Southern District of New York

Re: *Pedraza v. Manhattan Monster Inc. et al.*
23-cv-02596 (MKV) (VF)

Dear Judge Figueredo:

I am counsel to Plaintiff. For the reasons set forth, I am forced to make a motion to compel Defendants to meet and confer. Specifically, I am forced to make a motion for Defendants to comply with the Court's earlier directive on February 14, 2024.

As the Court is aware, Plaintiff previously had to make a motion due to the failure of Defendants to perform a good faith search for discovery (dkt 63). This led to a discovery conference where the Court ordered the parties to work together to ascertain a practical way for Defendants to perform a thorough ESI search. At the discovery conference, Defendants' counsel stated to the Court that a thorough search was performed even though this statement contradicted the testimony of the Rule 30(b)(6) witness.

Consistent with that order, on February 20, 2024 I sent an e-mail to Defendants' counsel with a proposed discovery plan. That e-mail is annexed. Defendants' counsel did not respond. As a result, on February 29, 2024 I sent a follow up e-mail. Again, Defendants' counsel did not respond.

As the record reflects, this is not an isolated incident. Defendants did not have a prepared Rule 30(b)(6) witness (dkt 47). Defendants did not provide the names of all individuals who have information relevant to this action (dkt 68, 76). This office is being forced to expend significant legal fees to ensure that this matter is decided on the merits.

While I do not seek fees or sanctions I have come to the conclusion that until there are repercussions Defendants' conduct will continue.

Respectfully,

/s Jacob Aronauer
Jacob Aronauer

Via ECF

All attorneys on record



Jacob Aronauer <jaronauer@aronauerlaw.com>

Monster Bar

Jacob Aronauer <jaronauer@aronauerlaw.com>

Tue, Feb 20, 2024 at 1:46 PM

To: "Shakira A. Fantauzzi Esq." <law.shakirafantauzzi@gmail.com>

Hi! I hope you had a great weekend.

The District Judge assigned to this matter requires a joint letter with respect to any discovery dispute. Annexed please find my portion of the letter (it was previously filed with the Court). Please give me your portion by COB Friday (Feb 23rd). Obviously if you need more time, provided it is a reasonable amount requested that is not an issue. Thank you.

Also, please let me know of your availability to meet and confer in re Monster Bar's search for ESI.

What I would suggest is as follows:

Tobey search for all potential responsive documents in his cell phone and e-mail

Monster Bar searches for all responsive documents in their e-mail.

Both Gomez and Guishard search for their phones and e-mail accounts for responsive documents.

I am going to ask for a verification from both Tobey and the employee at the Monster Bar that a search was performed and what type of search was performed in great detail.

Please do the following search terms: "touch", "punch", "harassment", "touching", "sex", "sexual harassment", "Lepe", "Gomez", "Juan", "Pedazara", "Luis", "lawsuit", "sue".

Thank you.

Jacob Aronauer, Esq.

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To reply to our email administrator directly, please send an email to jaronauer@aronauerlaw.com.

The Law Offices of Jacob Aronauer



2024.02.20 Motion to amend .docx

46K



Jacob Aronauer <jaronauer@aronauerlaw.com>

Monster Bar

Jacob Aronauer <jaronauer@aronauerlaw.com>

Thu, Feb 29, 2024 at 8:41 AM

To: "Shakira A. Fantauzzi Esq." <law.shakirafantauzzi@gmail.com>

Shakira:

We are supposed to meet and confer in re search terms and who searches. And what is searched. Please respond to me about my proposed search terms. Thank you.

View this message in thread

On Tue, Feb 20, 2024 at 1:46 PM Jacob Aronauer <jaronauer@aronauerlaw.com> wrote:

View this message in thread